

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5 : 94 - CR - 97 - 14 - BO

UNITED STATES OF AMERICA,)
)
v.)
)
RAYMOND CHERISSON,)
)
_____)

ORDER

This matter is before the Court on defendant's *pro se* motion for return of funds [DE 631]. The motion is DENIED.

Defendant paid special assessments based on four counts of conviction, but that one of the counts was then vacated on January 7, 2000. Taking the facts alleged as true, defendant is still not entitled to relief. Defendant has waited over 14 years to request the relief he now seeks. Therefore his motion is denied based on the doctrine of laches. *See Gonzales v. The Archangelos*, 245 F.2d 412 (4th Cir. 1957) (delay of 7 years to bring action for unpaid wages and other damages barred by doctrine of laches). His motion makes clear that his conviction was vacated in January of 2000. Since that time defendant has filed numerous motions in this Court over a 14 year period. During that time and in those motions, petitioner could have asked for the relief sought now, but did not do so, despite having all of the information necessary to seek that relief in his possession. The doctrine of laches requires that his current motion be DENIED.

SO ORDERED, this 22 day of August, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE

SCANNED